

7-16-03

**SEED**

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July 15, 2003

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**Facsimile Transmission****20** pages including this page**TO: EXAMINER Holly Schnizer****USPTO, GROUP 1653**

Fax No.: 1-703-746-5129

Phone No.:

**RE: USAN 09/444,281**

Filed 11/19/99

Jan Burian

**Our Reference: 660081.411**

Urgent     For Review     Please Confirm Receipt     Please Reply ASAP

Comments:

**PLEASE DELIVER TO EXAMINER Holly Schnizer ASAP.**

Enclosed:

Copy of Response to Office Action filed April 23, 2003,

Copy of Express Mail receipt, and

Copy of 1449 of 3<sup>rd</sup> Supplemental IDSIf you do not receive all pages, please call Linda P. at (206) 622-4900 or fax our office.

Transmission Information: Date \_\_\_\_\_ Time \_\_\_\_\_ By \_\_\_\_\_

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Express Mail No. EV207711062US

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → 

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(To be used for all correspondence  
after initial filing)

Application Number	09/444,281
Filing Date	November 19, 1999
First Named Inventor	Jan Burian
Group Art Unit	1653
Examiner Name	Holly Schnizer
Attorney Docket No.	660081.411

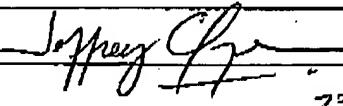
EV207711062US

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> CD(s), Number of CD(s) _____
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Communication to Group
<input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Information Disclosure Statement; Form PTO-1449	<input type="checkbox"/> Declaration	<input checked="" type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Cited References (8)	<input type="checkbox"/> Statement under 37 CFR 3.73(b)	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Copy of Second Supplemental IDS
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Copy of Reference AD of 2 <sup>nd</sup> Supplemental IDS 1449 (6,242,219, Better et al.)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Request for Refund	

## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual Name	Jeffrey C. Pepe, Ph.D. Reg. No. 46,985	 00500 PATENT TRADEMARK OFFICE
Signature		
Date	23-Apr-2003	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name	
Signature	Date:

376586

Express Mail No. EV207711062US  
PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

Complete if Known	
Application Number	09/444,281
Filing Date	November 19, 1999
First Named Inventor	Jan Burian
Examiner Name	Holly Schnizer
Group Art Unit	1653
Attorney Docket No.	660081.411

## METHOD OF PAYMENT

<input checked="" type="checkbox"/> Payment Enclosed:	<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other
<input type="checkbox"/> Deposit Account:	Deposit Account Number 19-1090
Deposit Account Name	Seed Intellectual Property Law Group PLLC

The Commissioner is authorized to (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input type="checkbox"/> Charge any additional fee(s) during the pendency of this application	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any deficiencies	

to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	575			Utility filing fee	
1002	330	2002	185			Design filing fee	
1003	520	2003	280			Plant filing fee	
1004	750	2004	375			Reissue filing fee	
1005	160	2005	80			Provisional filing fee	
SUBTOTAL (1)							

## 2. EXTRA CLAIM FEES

Total Claims	96	-132**	=	0	Extra Claims	Fee from below	Fee Paid
Independent Claims	2	-3**	=	0			
Multiple Dependent						pd	

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9			Claims in excess of 20	
1201	84	2201	42			Independent claims in excess of 3	
1203	280	2203	140			Multiple dependent claim, if not paid	
1204	84	2204	42			** Reissue independent claims over original patent	
1205	18	2205	9			** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)							

\*\*For number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
<b>3. ADDITIONAL FEES</b>					
Large Entity	Small Entity				
Fee Code	Fee Code				
Fee (\$)	Fee (\$)				
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	120	Non-English specification	
1812	2520	1812	2520	For filing a request for ex parte reexamination	
1804	920*	1804	820*	Requesting publication of SIR prior to Examiner action	
1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1450	2254	725	Extension for reply within fourth month	
1255	1970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1510	1451	1510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1300	2453	650	Petition to revive - unintentional	
1501	1300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1480	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee for provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$ 180)

SUBMITTED BY	
Name (Print/Type)	Jeffrey C. Pepe, Ph.D.
Firm Name/Address	
Signature	
Date	April 23, 2003

00500  
PATENT TRADEMARK OFFICE

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